

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Oct 28, 2021**

SEAN F. MCAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Michael Douglas Frank Case Number: 0980 2:17CR00132-TOR-1

Address of Offender: [REDACTED] White Swan, Washington 98952

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: February 20, 2018

Original Offense: Domestic Assault by a Habitual Offender, 18 U.S.C. § 117

Original Sentence: Prison - 48 months Type of Supervision: Supervised Release  
TSR - 36 months

Asst. U.S. Attorney: Alison L. Gregoire Date Supervision Commenced: February 5, 2021

Defense Attorney: John Stephen Roberts, Jr. and Kathryn Patricia Lucido Date Supervision Expires: February 4, 2024

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**PETITIONING THE COURT**

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 07/14/2021.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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5	<b><u>Mandatory Condition #1:</u></b> You must not commit another federal, state or local crime.
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**Supporting Evidence:** Mr. Frank is considered to be in violation of his supervised release conditions by being cited for fourth degree assault, domestic violence; first degree driving while license suspended (DWLS1) and operating a vehicle without ignition interlock, by the White Salmon Police Department on October 7, 2021, incident report number 21-B1037.

Per COVID-19 procedures, Mr. Frank's conditions of supervised release were verbally reviewed with him on February 5, 2021. He verbally acknowledged an understanding of his conditions.

On October 7, 2021, per White Salmon Police Department incident report number 21-B1037, at about 4:56 p.m., officer Lewis was traveling Westbound on SR-14 in a marked patrol vehicle near milepost 65, when he observed an individual leaning out of the passenger side door of a vehicle traveling Eastbound on SR-14. A traffic stop was conducted. Officer Lewis contacted the driver of the vehicle, who was identified through a valid Washington State identification as Michael Douglas Frank. He asked Mr. Frank what was going on and why his female passenger, later identified through a Yakama Nation identification as TM,

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was leaning out of the vehicle. Mr. Frank advised they had been in an argument and TM was trying to jump out of the vehicle. The officer could see TM was holding her nose and appeared to have been crying. Mr. Frank was asked to step out of the vehicle so the officer could talk with him separately. At about the same time, Washington State Patrol (WSP) Trooper Pont arrived on the scene and spoke with TM.

Officer Lewis again asked Mr. Frank what happened, and he advised he and TM were on their way to White Swan, Washington, from Portland, Oregon. At first, Mr. Frank advised that TM was upset because she wanted to travel on the Oregon side, as it was a faster route to get home. However, Mr. Frank later told officer Lewis that he and TM stopped at Bridge Mart so he could give money to his daughters. Mr. Frank said that TM asked him why he never gave her children money, and an argument followed. The officer asked Mr. Frank if the argument ever became physical, and he advised it had not. Officer Lewis told Mr. Frank he could not see why TM would be trying to jump out of a moving vehicle based on the story he gave him. Officer Lewis asked Mr. Frank if there was anything else he wanted to tell him, to which Mr. Frank denied. Mr. Frank again denied that nothing physical had occurred. Officer Lewis could tell there was something Mr. Frank was not telling him.

Officer Lewis ran Mr. Frank through dispatch for a records check and was advised he had a confirmed felony warrant with the U.S. Marshals Service. In addition, there was an unconfirmed misdemeanor warrant from Toppenish, Washington. The officer advised Mr. Frank he was under arrest for the warrant.

Officer Lewis then spoke with Trooper Pont and advised him of what Mr. Frank had told him. Trooper Pont advised TM told him that Mr. Frank hit her with the back side of his hand at Bridge Mart, resulting in a possible bloody nose. Trooper Pont advised officer Lewis that he had an audio recording of his contact with TM and he would send it to him. As Mr. Frank and TM are in a family household relationship, both are over 18 years of age, and an assault occurred within 4 hours of law enforcement arriving on the scene, officer Lewis knew the criteria of a mandatory arrest had been met. TM denied providing a written statement and she was provided with written resources. In addition to the warrant and assault, Mr. Frank was DWLS1 and violated his restriction of having an ignition interlock device as his vehicle did not have one.

Mr. Frank was transported to the Klickitat County Jail, where he was subsequently booked. However, shortly after arriving at the jail, Mr. Frank's health began to decline and he was transported by ambulance to the Klickitat Valley Hospital. It was decided Mr. Frank would be cited and released for the recent violations but would remain in custody for the federal warrant.

Mr. Frank was cited and released on criminal citation 1A0674273 for violation of the Revised Code of Washington (RCW) 9A. 36. 041( DV), Fourth Degree Assault, Domestic Violence (DV). Mr. Frank was also cited and released on criminal citation 1A0674274 for violation of RCW 46.20.342.1A, First Degree Driving While License Suspended, and violation of RCW 46.20. 740, Operating Vehicle Without Ignition Interlock. Mr. Frank was given the arraignment date of October 13, 2021, at 1:30 p.m.

On October 13, 2021, an arraignment was held, but Mr. Frank did not appear due to being in federal custody. A bench warrant was issued and remains active.

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6            **Standard Condition #3:** You must not knowingly leave the federal district where you are authorized to reside without first getting permission from the court or the probation officer.

**Supporting Evidence:** Mr. Frank is considered to be in violation of his supervised release conditions by traveling outside of the Eastern District of Washington, without permission on or about October 7, 2021.

Per COVID-19 procedures, Mr. Frank's conditions of supervised release were verbally reviewed with him on February 5, 2021. He verbally acknowledged an understanding of his conditions.

Per the White Salmon Police Department incident report number 21-B1037, on October 7, 2021, and as mentioned in violation 1, officer Lewis conducted a traffic stop and made contact with Mr. Frank, as he was the driver of the vehicle. Officer Lewis questioned Mr. Frank on what was happening prior to the stop. Mr. Frank advised Officer Lewis that he and TM were on their way to White Swan from Portland, Oregon.

The U.S. Probation Office respectfully recommends the Court to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:    October 27, 2021

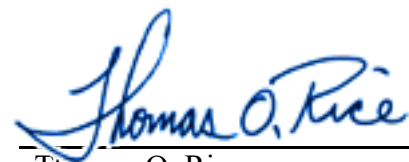
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s/Arturo Santana

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Arturo Santana  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☒ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☒ Other: ***All pending alleged violations of supervised release will be addressed at the Revocation of Supervised Release Hearing set for 11/10/2021 at 1:30 p.m.***



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Thomas O. Rice  
United States District Judge  
October 28, 2021

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Date